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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,018	07/29/2003	Mohamed M. Morad	2661.465US01	7636

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EXAMINER	
TRAN LIEN, THUY	
ART UNIT	PAPER NUMBER
1761	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,018	MORAD ET AL.	
	Examiner	Art Unit	
	Lien T. Tran	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) *1-34 and 52-63* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Applicant's election without traverse of Group III, claims 35-51 in the reply filed on 10/26/06 is acknowledged.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is too short. Correction is required. See MPEP § 608.01(b).

Claims 35-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35: Line 7, the recitation of " the second dough inner layer" is unclear because the claim has not set forth the spatial structure of the first and second dough. Also, the structure of the dough is unclear because it is not known what would be considered at outer layer and inner layer. If the dough components are top of each other, then both doughs have surfaces that are exposed.

In claim 38, what does applicant mean by " comprising the product of baking?

Claim 39 is indefinite. Claim 39 depends on claim 35 which recites " a comestible food item"; claim 39 recites " the multi-component dough". It is not clear what is intended and how claim 39 further limits claim 35. It is also not known what is " the food " referring to because claim 35 does not recite any food. It is not known what " the second and first dough regions" refer to.

Claims 40-51 have the same problem as claim 35.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 35-46, 48, 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Graaf et al.

Van Der Graaf et al disclose a composite dough product comprising a puff pastry dough sheet having attached thereon a sheet of another dough which acts as an anchoring layer. The anchoring dough can be pizza dough, bread dough, shortcrust and cake pastry. To is known to provide a bottom crust for a pizza which is a laminate

of puff pastry as the lower layer and a normal pizza crust as the upper layer. After baking, the composite layer is provided with a moisture-barrier layer. The puff pastry is prepared as shown in example 1 and has a water content of 31.61%. Different fillings are applied to the composite dough layers. Filled product is frozen. (col. 1 lines 65-68 and col. 3)

Van Der Graaf et al do not disclose the moisture content of the second dough layer, the thickness of the dough layers, forming a pouch type product, the moisture and fat content of the second layer, the thickness ratio and a moisture barrier between the two dough layers.

Van Der Graaf et al disclose the second layer can be a pizza dough; thus, it would have been obvious to one skilled in the art to make a yeast leavened dough because pizza dough is commonly leavened by yeast. It would have been obvious to one skilled in the art to determine the appropriate moisture content depending on the texture wanted. Determination of the appropriate moisture content to obtain optimum texture and taste would have been within the routine experimentation for one skilled in the art. It would have been obvious to form the dough layers in any thickness and thickness ratio depending on the texture and taste wanted. Thinner crust provides a crunchier texture than a thicker crust. The degree of thickness would have been a matter of preference. It would have been obvious to form a pouch type product when desiring a closed configuration to prevent filling from dripping. Such configuration for filled food product is notoriously well known in the art. It would have been obvious to vary the amount of fat depending on the fat content wanted and the texture desired.

Van Der Graaf et al teach putting a moisture barrier layer on top; however, it would also have been obvious to place a moisture barrier layer between the dough layers to further protect the lower layer from moisture migration of filling material through the first dough layer. This will further enhance the stability and shelf life of the product.

Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Graaf et a in view of Bauman et al.

Van Der Graaf et al do not disclose putting an adhesive layer between the two dough layers.

Bauman et al teach adding a binding agent such as water or starch glue between two dough layers to form a seal between the layers. (col. 4 lines 54-65)

It would have been obvious to add an adhesive layer as taught by Bauman et al between the dough layers of the Van Der Graaf et al product when desiring to seal the two layers to ensure that separation of the layers will not occur.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andersen et al disclose a method for producing a composite dough-based product.

Ross et al disclose dough with toppings or fillings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday, Wed-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cano Milton can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 20, 2006

Lien Tran

LIEN TRAN
PRIMARY EXAMINER
Group 1700